

Before the
Federal Communications Commission
Washington, DC 20554

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In the Matter of

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Amendment of the Commission's Rules

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Governing Modernization of FM and AM

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Authorizations

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MB Docket No. 04-__

RM-10960

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

COMMENTS OF VOX RADIO GROUP, LP

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May 24, 2004

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SUMMARY

First Broadcasting Investment Partners, LLC (“First Broadcasting”) has filed a Petition for Rule Making (the “Petition”) that proposes changes to how the Commission processes requests for changing the community of license for AM and FM radio broadcast stations. First Broadcasting proposes that the Commission permit AM and FM stations to change their community of license through the filing of a minor modification application instead of filing a major change application or rule making petition, respectively. First Broadcasting further proposes that the Commission simplify its procedures for downgrading Class C FM Stations and deleting vacant FM allotments.

Vox Radio Group, LP, the licensee of more than 30 radio stations in medium to small markets, supports the Petition. Amending the Commission’s Rules to simplify the process for changing the community of license for AM and FM radio stations, as well as streamlining the process for downgrading Class C FM Stations and deleting vacant FM allotments, will serve the public interest by expediting the provision of new first local service to the public. The Commission’s present procedures for changing the community of license for an AM or FM station often requires years of administrative litigation and enormous commitment of resources by the Commission, the public and the licensee, while providing no certainty that the Commission will grant the community of license request. The new procedures provide certainty for licensees seeking to change their station’s community of license, simplifies the process, and would conserve the resources of the Commission and licensees. But most importantly, the proposed procedures would expedite the provision of new first local service to the public. For these reasons, the Commission should grant the First Broadcasting Petition.

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COMMENTS OF VOX RADIO GROUP, LP

Vox Radio Group, LP ("Vox Radio"), pursuant to Section 1.420 of the Commission's Rules and by its attorneys, hereby submits its comments supporting the petition for rule making (the "Petition") filed by First Broadcasting Investment Partners, LLC ("First Broadcasting").¹ The Petition proposes changes to the Commission's Rules that would facilitate the ability of AM and FM stations to change their community of license and provide new first local and improved service to the public. FM stations would change their community of license through the application process rather than the rule making process while AM stations would change their community of license by filing a minor change application instead of a major change application. The Petition proposes new procedures for expediting removal of non-viable FM allotments from the FM Table of Allotments and downgrading Class C stations to Class C0 status.

These changes will benefit the public, the Commission and licensees. The proposed changes would expedite the provision of first local service to the public by reducing *by years* the processing time for FM and AM stations which seek to modify their facilities to specify a new community of license. The proposed changes would

¹ By Public Notice Report No. 2657 dated April 22, 2004, the FCC authorized the filing of comments with regard to the Petition within 30 days of the public notice, May 22, 2004. Since May 22, 2004 falls on a Saturday, the filing deadline is the next business day, which is Monday, May 24, 2004. Thus, this petition is timely filed

conserve the resources of the Commission and licensees by permitting the Commission to focus on the merits of the proposed community of license change instead of extraneous and unrelated filings and proposals. The reduction in the filing of new rule making petitions in turn would allow the Commission to process the enormous backlog of pending rule making proceedings as well as focus their efforts on more complicated rule making petitions in the future, thereby expediting the processing of those petitions. In support thereof, the following is respectfully submitted.

I. Introduction

A. Vox Radio Group, LP

Vox Radio is a limited partnership whose principals include Jeff D. Shapiro, Bruce G. Danziger and Burton K. Barlow. Messrs Shapiro, Danziger and Barlow are experienced broadcasters with more than two decades of experience in the operations, programming, acquisition and sales of radio stations. The principals have owned and operated several broadcast companies in the past two decades. They acquired their first radio station in 1984 when Dynacom Corporation, the predecessor company to Vox Radio, acquired WHDQ-FM, Claremont, New Hampshire.² The principals raised the money for acquiring WHDQ-FM through a combination of their own funds and money from their families and friends. During the next fifteen years, Dynacom and its affiliated companies acquired more than 14 radio stations. In 1999, Dynacom assigned their radio stations to Vox Radio

Over the past five years, the principals have grown Vox Radio through various

² File No BALH-19840829GJ

acquisitions. Vox Radio, through its subsidiary licensee companies,³ presently is the licensee of more than 30 radio stations in medium to small markets in the states of Massachusetts, New Hampshire, New York, Pennsylvania and Vermont.

Vox Radio and its predecessor companies have enjoyed success over two decades of operating and owning radio stations. The success can be attributed to Vox Radio identifying marginal or underperforming radio stations, and through a combination of operational and technical modifications, improving the radio stations. The former solely lies within the province of Vox Radio; the latter requires FCC approval.

Vox Radio's experience in radio operations helped the company to identify and create radio clusters in various markets in the northeastern United States. These clusters include marginal radio stations that would have difficulty surviving as stand alone radio stations. Vox Radio's experience as a programmer helped the company tailor programming responsive to each of its communities. Vox Radio's experience with the technical side of radio stations enabled the company to identify and make technical modifications to its radio stations that resulted in improved service to the public. These technical modifications range from relocating a tower site, increasing a station's power, changing a station's community of license, or upgrading the station's facilities.

Vox Radio has developed some expertise in reallocating FM stations to new communities, thereby providing new first local service to many communities and improved service to the public. Vox Radio has navigated the Commission's complex procedures for changing the community of license for FM Stations. Vox Radio has also considered changing the community of license for their AM stations, only to be deterred

³ The licensee companies are Berkshire Broadcasting Corporation, Inc., Capitol Broadcasting Corporation, Inc., Concord Broadcasting, Inc., Great Northern Radio, LLC, Family Broadcasting, Inc., Vox Allegany, LLC, Vox New York, LLC, and Vox Vermont, LLC

by the Commission's rules, which makes the likelihood of receiving Commission approval for any such change uncertain. A review of the Commission's procedures will help illustrate the challenges that either an AM or FM Station face when seeking to change their station's community of license.

B. FCC Procedures for Changing Community of License for FM Stations

The timing and ability of Commission licensees to provide new or improved service with an FM station depends solely upon whether the Commission determines the proposed change to the FM station to be minor or major in nature. The Commission considers a change in community of license for an FM station to be a major change that can only be processed through a rule making proceeding.⁴ A change in frequency is also a major change, unless the proposed change in frequency for the FM station: (i) seeks a higher or lower class adjacent, intermediate frequency, or co-channel; or (ii) seeks a same class adjacent channel.⁵ The Commission considers all other modifications of an FM Station to be minor.⁶

If the proposed change in the FM station is minor, the Commission will process the change through the agency's application process. The FM station may file an application for minor change at any time with the Commission. The Commission places the application on public notice immediately, thereby commencing the 30 day period for the public to file petitions to deny or informal objections against the application. The Commission customarily processes and grants permit applications within four to six

⁴ See 47 C F R §73.3573(a)(1)

⁵ See *Id.*

⁶ See 47 C F R §73.3573(a)(2). Examples of minor changes would include modifications to the station's tower or antenna.

months of the filing of the application. If an opposition to the application is filed, the Commission resolves the majority of these disputes within several months to a year and either denies or grants the permit application.

Rule making proceedings, on the other hand, require a substantially longer amount of processing time. The rule making process commences with the FM licensee filing a petition for rule making with the Commission to amend the FM Table of Allotments to change the FM station's community of license.⁷ It takes the Commission on average six to eight months or more to review the petition and if acceptable, release a Notice of Proposed Rule Making ("NPRM"). The NPRM solicits comments from the public on the merits of the petition. The public may file oppositions or counterproposals to the petition by the comment date, and the petitioner may file their reply by the reply comment date. The comments and reply comments must be filed within approximately sixty and seventy-five days, respectively, from the release of the NPRM. If a counterproposal is filed, the Commission will release another public notice, normally 30 to 60 days after the counterproposal was filed, soliciting comments on the merits of the counterproposal within fifteen days after release of the public notice. By the time the proceeding cycle is completed for the rule making, almost *one year* will have passed since the filing of the rule making petition with no decision by the Commission.

Even if the rule making petition is unopposed, it customarily takes the FCC another three to six months to issue a Report and Order granting the original petition. The petitioner must wait yet another 45 days after the decision is listed in the Federal Register before the Report and Order becomes effective. Only then may the petitioner

⁷ 47 C.F.R. §73.202(b) lists the FM Table of Allotments for commercial FM radio broadcast stations. Section 73.202(b) lists each commercial FM allocation by community, state, channel and class.

file an application for construction permit to change the FM station's community of license. By the time the FCC grants the construction permit, at least another four to six months will have passed.

On average, two years will pass from the filing of the original rule making petition to change community of license until the FCC grants the petitioner a construction permit to construct the new facilities. And this is only if the petition is unopposed. If someone files a counterproposal or opposition to the rule making petition, then it can take the FCC more than one year to issue a Report and Order in response to the original NPRM. It is not uncommon for the parties to experience delays of two, three and even four years in the Commission issuing a decision, even if the counterproposal or opposition is without merit. Subsequent appeals of the decision can add another several years before the Commission issues a final decision on the rule making proposal.

The public interest advantage of processing community of license changes for FM stations through the application instead of the rule making process is readily apparent. The public could receive a new first local or improved service within mere months from the filing of the modification application instead of experiencing delays of two years or longer under the rule making process. A reduction in the number of rule making petitions filed with the Commission would conserve Commission resources and reduce their workload, thereby enabling the agency to concentrate their efforts on the more complicated rulemaking proposals, with the result that the Commission could process these proposals in a timelier manner.

C. FCC Procedures for Changing Community of License for AM Stations

It is equally difficult for an AM station to modify their facilities to specify a new community of license. The Commission classifies AM station applications into two categories: minor and major changes.⁸ A major change application for an AM station is any change in community of license or frequency, unless the change in frequency is to the AM Expanded Band or the AM station's first, second, or third adjacent channels.⁹ The Commission treats all other proposed changes to the AM station as minor.¹⁰

The Commission processes minor modification applications for AM stations in the same manner as they process minor modification applications for FM stations. The Commission customarily processes AM station minor modification applications within four to six months of the filing of the application. If an opposition to the application is filed, the Commission resolves the majority of these disputes within several months to a year and either denies or grants the permit application.

The processing of a major change application takes considerably longer. An AM station may file a major change application only during a filing window established by the Commission for the filing of new and major changes. The public has had only two opportunities to file new and major change applications for AM stations in the past decade¹¹ It could be years before the Commission opens another filing window. Any

⁸ 47 C.F.R. §73.3571(a)

⁹ 47 C.F.R. §73.3571(a)(1).

¹⁰ 47 C.F.R. §73.3571(a)(2), *See also 1998 Biennial Regulatory Review – Streamlining of Radio Technical Rules in Parts 73 and 74 of the Commission's Rules, First Report and Order*, 14 FCC Rcd 5272 (1999) (Commission reclassified certain AM technical changes, such as modifications in power, antenna height or antenna location, hours of authorized operation, or the addition of nighttime service, as minor).

¹¹ Auction 32 opened a filing window in January 2000 for the filing of new and major change applications for AM Stations while Auction 84 opened a similar filing window in January 2004. *See AM Auction Filing Window and Application Freeze*, Public Notice DA 99-2585 (rel. Nov. 19, 1999), *AM New Station and Major Modification Auction Filing Window*, Public Notice DA 03-3532, 18 FCC Rcd 23016 (rel. Nov. 6, 2003)

AM station which desires to provide a new first local service must wait until the Commission opens a new filing window. Until then, the public need for new first local service must remain unmet.

Even the filing of a major change application seeking to change an AM station's community of license does not guarantee that the Commission will grant the application or process it in a timely manner. If during the filing window the Commission receives applications for new or major changes for other AM stations that are mutually exclusive with the proposed change in community of license for the AM station, the Commission will conduct an auction among the mutually exclusive applications. The Commission will award the construction permit to the highest bidder.

II. First Broadcasting Petition

The First Broadcasting Petition offers several proposed changes to the Commission's rules and procedures governing modification of FM and AM Authorizations. The Petition proposes that the FCC: (i) permit a change of an FM Station's community of license through a minor modification application instead of a rule making; (ii) permit an FM station to change its community of license to a new community even if the change would leave the present community of license without a first local service, (iii) establish a simplified procedure to remove non-viable FM allotments from the FM Table of Allotments; (iv) open a one-time settlement window to resolve the backlog of pending FM rule makings; (v) permit the change of an AM station's community of license through a minor modification application; and (vi)

streamline the process for downgrading a Class C station to Class C0 status.¹²

As discussed below, Vox Radio supports each of these proposals. The proposals will help expedite the provision of new first local service to the public, conserve the scarce resources of the Commission and licensees, and provide certainty to the process of changing a station's community of license. The proposals are a logical evolution of the Commission's efforts to transition certain types of FM rule making proposals to the application process and certain AM applications to minor change applications.

A. The Commission Should Process FM Community of License Changes as Minor Modification Applications

First Broadcasting proposes that the Commission process requests to change an FM station's community of license as a minor modification application.¹³ Vox Radio supports this proposal. As discussed above, the application process will save a considerable amount of time over the rule making process and conserve the resources of the Commission and the licensee. The cut-off procedures for minor modification applications will reduce the uncertainty in the process and let the Commission focus on the merits of the application.

Processing community of license changes under the application process is consistent with the *Ashbacker* doctrine.¹⁴ The Commission permits FM stations to upgrade or downgrade the frequency of an FM Station to its co-channel, first, second or third adjacent channel through the application process.¹⁵ The Commission has ruled that processing of one-step applications is consistent with the *Ashbacker* doctrine and serves

¹² See Petition at 1-2

¹³ See *Id.* at 9-10

¹⁴ See *Ashbacker v. U.S.*, 326 U.S. 327 (1945).

¹⁵ See *Amendment of the Commission's Rules to Permit FM Channel and Class Modifications by Application*, 8 FCC Rcd 4735 (1993) ("One-Step Order")

the public interest.¹⁶ In the *One-Step Order*, the Commission held that amendment of the agency's rules to permit FM stations to upgrade or downgrade their stations through application instead of the rule making process did not deprive parties of their *Ashbacker* rights because *Ashbacker* applies only to parties who are actual applicants, and not prospective applicants.¹⁷ The same rationale applies to changing a station's community of license.

Processing of community of license changes for FM stations through the application rather than the rule making process is a logical evolution of the Commission's procedures. Fifteen years ago the Commission changed their procedures for how an FM station may downgrade its facilities.¹⁸ The Commission modified its rules to authorize FM stations to downgrade their facilities on a co-channel by filing a minor modification application instead of filing a rule making petition.¹⁹ The Commission noted that the new procedure would benefit the public by expediting processing of proposed downgrades, thereby trimming one year in the time to process a downgrade request.²⁰

Eleven years ago the Commission changed the procedures for how an FM station could modify their facilities.²¹ The Commission amended its rules to authorize FM stations to upgrade their facilities on adjacent and co-channels, to modify to adjacent channels of the same class, and downgrade to adjacent channels.²² The Commission reasoned that these changes would serve the public interest by speeding the

¹⁶ See *Id* at 4738-39

¹⁷ See *Id* at 4739

¹⁸ See *Revision of Section 73.3571(a)(1) of the Commission's Rules Concerning the Lower Classification of an FM Allotment*, 4 FCC Rcd 2413 (1989) ("*Downgrade Order*")

¹⁹ See *Downgrade Order* at 2414

²⁰ See *Id*

²¹ See *One-Step Order* at 4735

²² See *Id* at 4736

implementation of service to the public and eliminating redundant processing.²³

Any minor modification application proposing to change an FM station's community of license should comply with the Commission's present rules for changing a community of license; *i.e.*, the application could only specify a new community of license that is mutually exclusive with the FM Station's present community and the proposed change in community of license should serve the purposes of Section 307(b). The minor modification application should be subject to the same first-come, first-served procedure used for processing other minor modification applications. This would eliminate the necessity of the Commission considering unrelated applications filed at a later date. Instead, the Commission would devote its resources to considering the merits of the application and whether granting that application will serve the public interest, convenience and necessity.

B. The Commission Should Approve Relocation of an FM Station Providing a Community's Sole Local Service to a New Community Of License More Deserving of a First Local Service

First Broadcasting proposes that the Commission cease favoring continuity of a first local service over all other public interest factors when considering whether a first local service may relocate from one community to another.²⁴ First Broadcasting advocates an approach that balances the public's interest in continuity of service in an existing community with other important factors. First Broadcasting proposes that the Commission establish a presumption that it is in the public interest to permit an FM Station to move a sole first local service to a new community provided that: (i) at least

²³ *See Id.*

²⁴ *See* Petition at 17

two other stations provide a 70 dBu signal to the current community; (ii) the station will be the first local service in the proposed community; (iii) the station's 70 dBu contour will serve a larger population in the proposed community than it does in the current community of license; and (iv) the move does not cause any short spacing and/or resolves any existing short spacing.²⁵

Vox Radio supports First Broadcasting's proposal that the FCC give equal consideration to the retention of a first local service in an existing community and the benefits of changing the first local service to a larger community. The First Broadcasting Petition creates a reasonable standard for when removal of a community's first local service will serve the public interest. Under this approach, the FCC will consider several factors in determining whether the proposed change in community of license will serve the public interest. The loss of local service will remain an important factor in determining whether a proposed community of license change serves the public interest, but will be balanced against other factors weighing in favor of removal of the first local service to a new community. In this manner, the Commission can continue to ensure that communities are well-served while at the same time permitting the move of new first local service to more deserving communities.

This approach advances the Commission policy of placing first local service in the larger of two communities. The Commission's list of priorities for when changing the FM Table of Allotments is preferable lists providing a first local service as one of the four priorities.²⁶ When considering between two competing rule making proposals to

²⁵ See *Id.* at 17-18

²⁶ The FM allotment priorities are (1) first full-time aural service; (2) second full-time aural service, (3) first local aural service, and (4) other public interest matters. Co-equal weight is given to priorities 2 and 3. See Revision of FM Assignment Policies and Procedures, 90 FCC 2d 88, 92 (1982)

modify the FM Table of Allotments that specify the provision of a first local service to a new community, the Commission will rule in favor of the proposal that specifies the larger community.²⁷ This is consistent with the Commission's mandate in Section 307(b). Thus, it would seem logical that the Commission would approve a proposal to change an FM Station's community of license to a larger community, even when the proposal would remove the sole local service from the existing community.

C. The Commission Should Simplify Its Procedures For Deleting Vacant FM Allotments

First Broadcasting proposes adopting a new procedure for deleting vacant FM allotments after a certain period of time. First Broadcasting proposes that the Commission should: (i) include all vacant FM allotments in a single auction; (ii) delete those allotments that are not purchased at auction; and (iii) delete any allotment that is purchased but then not built out during the three year construction permit period.²⁸ First Broadcasting further proposes that if a current or future vacant allotment remains fallow for a certain period of time (*i.e.*, three years), the Commission should adopt a streamlined approach for deleting the allotment.²⁹ Finally, First Broadcasting proposes that if a station licensee wishes to surrender its license, the Commission should grant such a request and delete the station's allotment³⁰

Vox Radio supports this proposal. Vacant allotments which have remained unused for several years represent a warehousing of spectrum, either by the party holding

²⁷ See, e.g., *Vinton, Louisiana, Crystal Beach, Lumberton and Winnie, Texas*, MB Docket No 02-212 (Aud Div) (rel May 4, 2004)

²⁸ See Petition at 21-22

²⁹ See Petition at 22

³⁰ See Petition at 22

a permit for the allotment or by the Commission for not putting the vacant allotment into the hands of a licensee that would provide service to the public. The Commission's present procedures for deleting a vacant FM allotment are cumbersome, time consuming and deters parties from initiating the deletion of a vacant allotment. Under the present procedures, the Commission would delete a vacant allotment only if the Commission did not receive any expressions of interest in the allotment during the comment period of the rule making proceeding proposing to delete the allotment.

It does not serve the public interest for the Commission to seek new expressions of interest in a vacant allotment. If the allotment has remained available to the public for several years, and no party has expressed interest in the allotment during that time, it is unnecessary to seek new expressions of interest in the vacant allotment in the context of a rule making proceeding proposing to delete the allotment. Auctioning the vacant allotments instead will determine whether genuine interest exists for the vacant allotments. If no party purchases the vacant allotment during the auction window, or if a successful bidder fails to build the station during the three year period specified in the subsequent construction permit, the Commission should delete the allotment automatically.

The Commission should make a vacant allotment available through the FCC's auction process prior to deleting the allotment. If the Commission were to delete vacant allotments simply because the allotments had remained fallow for more than three years, then presumably the Commission would have to delete each vacant allotment specified in Auction 37. The majority of these allotments have remained vacant for more than three years because the Commission has not conducted an auction of vacant FM allotments in

more than six years. It is conceivable that future proposals for new vacant allotments could be delayed for an auction for several years. It is far more equitable for the FCC to process these vacant allotments through an auction, and if no party purchases the allotment, then delete the allotment as suggested by First Broadcasting.

D. The Commission Should Process AM Station Community of License Changes as Minor Modification Applications

First Broadcasting proposes that the Commission process applications to change an AM station's community of license as a minor instead of a major change.³¹ Vox Radio agrees.

The Commission's present rules state that the change in community of license for an AM station constitutes a major change.³² As discussed above, the Commission's procedures restrict the opportunity for an AM station to file a major change application to specific filing windows announced by the Commission periodically. The time period between filing windows may be several years. Mutually exclusive applications could proceed to auction. The entire process can take a considerable amount of time.

The present rules could prevent the provision of new first local service by AM stations beyond delays associated with the filing windows and subsequent auctions. The AM station may see its opportunity to provide first local service thwarted because another AM station files a minor modification application prior to the Commission opening a filing window for new and major change applications. Although an AM station cannot file a modification application to change the station's community of license until the Commission opens a filing window, the Commission will continue to

³¹ See Petition at 29.

³² See 73 FR 3571

process minor change applications on a routine basis. It is possible that the minor modification application could block the AM station from changing community of license. The AM station can only watch on in frustration as the minor modification application forecloses the AM station from providing a new first local service to a deserving community. In this manner the present application process thwarts the goals of Section 307(b).

The Commission should adopt First Broadcasting's proposal and permit AM stations to change their community of license by filing a minor modification application. The Commission can process the minor modification application in considerably less time than waiting for the agency to open a filing window and the subsequent auction process. The minor modification application should be permitted only if the application proposed a new community of license for the AM station that was mutually exclusive with the licensee's existing AM license, satisfies the requirements of Section 307(b), and complies with all other applicable Commission Rules. Acceptable applications would be processed on a first-come, first-served basis.

E. The Commission Should Streamline Its Procedures for Downgrading Class C0 Stations

Vox Radio supports First Broadcasting's proposal to streamline the process for downgrading a Class C Station to a Class C0 Station. Vox Radio supports First Broadcasting's proposal that the Commission: (i) dismiss any modification application for a Class C Station to retain Class C0 status if the applicant does not submit all required information within 90 to 120 days of initially filing an incomplete modification application; (ii) expedite processing of applications to downgrade a Class C station; (iii)

reduce the amount of time for a station to file a modification application to retain Class C status from 180 to 90 days; and (iv) increase FCC oversight of a Class C station's progress in building its new permitted facilities.³³

The present process imposes heavy burdens upon the FM Station seeking to downgrade a Class C Station to Class C0 status. The present process requires the FM Station to undergo a lengthy and time consuming process. First, the FM Station must file a modification application for their facilities and propose to downgrade the Class C station. Next, the Commission will send a show cause order to the Class C station. The show cause order will give the Class C station 30 days to indicate whether the Class C station accepts being downgraded to Class C0 status or intends to file an application specifying the minimum facilities to retain Class C status. The Class C station then has another 180 days in which to file an application for construction permit. The Commission would then take an additional four to six months to process the Class C permit application. If the Commission grants the permit application, the Class C station would have three years in which to construct, and the Commission would dismiss the original application filed to downgrade the Class C station. If the Class C station fails to construct its facilities within the three years, the original party must begin the entire process over again.

Under the present procedures, a proposed downgrade of a Class C station could take from as little as one year to as much as five years or more. During that time the public loses out on improved or new first local service. First Broadcasting's proposal will help reduce the processing time and expedite improved or new first local service to the public.

³³ See Petition at 33.

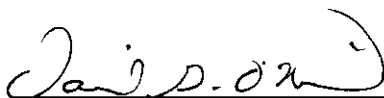
III. Conclusion

The First Broadcasting Petition represents a balanced and well-reasoned approach for expediting improved or new first local service to the public. The Petition carefully balances Section 307(b) considerations while providing broadcasters with greater certainty when proposing community of license changes. The Petition will conserve the resources of the Commission and licensees, provide greater certainty in the allocation process, and encourage licensees to use spectrum management to provide service to the public.

WHEREFORE, FOR THE FOREGOING REASONS, Vox Radio Group, LP hereby requests that the Commission adopt the proposals specified in the First Broadcasting Petition.

Respectfully submitted,

VOX RADIO GROUP, LP

A handwritten signature in cursive script, appearing to read "David G. O'Neil", is written over a horizontal line.

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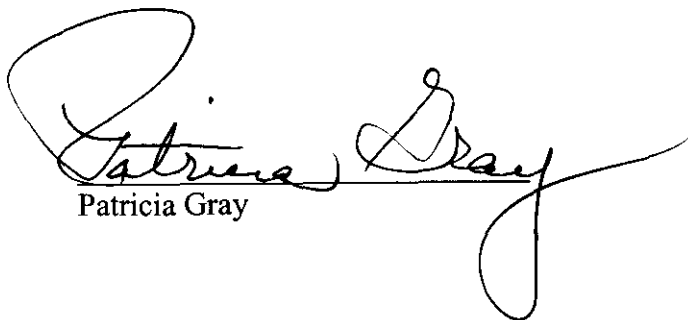
May 24, 2004

Its Attorney

Certificate of Service

I Patricia Gray, a secretary in the law firm of Rini Coran, PC, do hereby certify that on this 24th day of May, 2004, I caused a copy of the foregoing "Comments of Vox Radio Group, LP" to be delivered by first-class mail, unless otherwise specified, to the following persons:

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